

Affidavit

I, Casey T. Carty, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Cleveland Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since April 2004, and am currently assigned to the FBI's Cleveland Division. While employed by the FBI, I have conducted investigations of numerous federal criminal offenses including white collar crimes, crimes against children, violent crimes and narcotics offenses. I have gained experience through training at the FBI Academy and everyday work related to these types of investigations.
2. I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code.
3. This affidavit is being submitted for the limited purpose of establishing probable cause that Tyren L. Cervenak, age 26, of Lorain, OH has violated Title 18, United States Code, Section 922(g) [possession of a firearm and ammunition by a prohibited person]. The statements contained in this affidavit are derived from information provided to me by members of the Lorain Police Department (EPD) as well as my own investigation of this matter. This affidavit does not include every fact known to me regarding this investigation, but will seek to summarize relevant information.

Probable Cause

4. On September 17, 2021 at approximately 7:00 a.m. I assisted the Lorain Police Department (LPD) Narcotics Bureau and the LPD SWAT Team with the execution of a search warrant at 1226 W. 11th St, Lorain, OH. The warrant was issued by the Lorain County Court of Common Pleas based on an LPD narcotics investigation in which Tyren L. Cervenak sold narcotics to a

Confidential Informant (CI) working under the direction and control of LPD. The warrant authorized a search of the residence for evidence of drug trafficking and weapons.

5. As the search team was knocking and announcing its presence, Cervenak exited the residence and was taken into custody on state charges. Also located inside the residence was Cervenak's 33 year-old girlfriend and 7 young children. Cervenak was secured in a law enforcement vehicle and the residence was searched.
6. During the search of the residence several items of evidence were recovered, including a small baggie of suspected fentanyl, a digital scale of the type commonly used by drug traffickers, and a Glock model 42 .380 caliber semi-automatic handgun bearing serial number ACZF817 with a loaded magazine. Additionally, several high-capacity pistol magazines and body armor were recovered. The suspected fentanyl, handgun, magazines, and body armor were located in a bedroom identified by Cervenak as his own.
7. Cervenak was advised of his rights pursuant to *Miranda* while his residence was being searched. He indicated he understood his rights and agreed to speak with LPD Detective Franco and me. In summary, Cervenak admitted to possessing the .380 caliber pistol located inside his residence. He insisted this pistol was registered in his girlfriend's name, however he admitted his DNA would likely be found on the gun because he had handled and his girlfriend did not like to touch it. Cervenak acknowledged that based on his criminal record and probation status, he was not allowed to possess a gun. Cervenak also admitted to selling drugs, specifically crack cocaine, to at least two people.
8. I have examined the Glock model 42 pistol described above. The pistol is stamped with the words "Made in USA Glock, Inc. Smyrna, GA". On September 20, 2021 I contacted Glock customer service and confirmed that the Glock model 42 bearing serial number ACZF817

was manufactured in Georgia. This pistol did, therefore, travel in interstate commerce in order to be recovered in Lorain, OH.

9. I have reviewed the online records of the Lorain County Court of Common Pleas and found that Tyren L. Cervenak has been convicted of crimes punishable by a term of imprisonment in excess of one year. Specifically, in case number 20CR102684, on or about October 14, 2020 he was sentenced after pleading guilty to trafficking in heroin, a felony of the fourth degree; and in case number 16CR093600, on or about December 21, 2016 he was sentenced after pleading guilty to robbery with a firearm specification, a felony of the second degree. Based on these felony convictions, Cervenak is legally prohibited from possessing a firearm or ammunition.

Conclusion

10. Based on the preceding, I believe that probable cause exists which indicates that Tyren L. Cervenak has violated Title 18, United States Code, Section 922(g) [possession of a firearm and ammunition by a prohibited person].

Casey T. Carty

Casey T. Carty
Special Agent
Federal Bureau of Investigation

This affidavit was sworn to by the affiant by telephone after a PDF was transmitted by email, per Fed. R. Crim. P. 3, 4(d), and 4.1, this 20th day of September, 2021.

J. D. Greenberg
JONATHAN D. GREENBERG
UNITED STATES MAGISTRATE JUDGE

